

REMARKS

Claims 11-20 remain in the application. In the Final Office Action objections were raised to the claims and rejections were presented under Section 112. All of these are addressed by way of the above amendment without introduction of any new issues, and entry of the amendment is respectfully requested under 37 CFR 1.116. All of the claims were again rejected on the basis of prior art of record. Claim 19 has been amended to incorporate features substantially the same as recited in claim 11. Since claim 11 has been examined with similar recitations, this amendment introduces no new issues. For reasons presented below, the amendment to claim 19 places the application in better condition for allowance or appeal. Accordingly entry of the amendment is respectfully requested under 37 CFR 1.116. Reconsideration of the application is requested in view of all of the above amendments and the following remarks.

ARGUMENT TO DISTINGUISH OVER PRIOR ART

Reconsideration of the claims is again requested in view of the amendments previously presented as well as the following remarks. Claims 11-12 and 14-17 were rejected under Section 102 based on German Patent 3926556. Independent claim 20 was rejected under Section 102 based on Swearingen (U.S. 3,828,610). Independent claim 19 was rejected under Section 103 over Arvidsson (U.S. 4,915,510) in view of German Patent 3926556 and based on Official Notice that the use of 4/2-way directional control valves is well known in the art of hydraulic systems.

Reconsideration of the rejection of claim 11 is requested because the grounds presented overlook a claimed feature. Pages 5 - 7 of the Final Office Action attempt to read claim 11 on the German Patent 3926556. Applicants do not have at this time a full and accurate translation to the reference. However, based on the Examiner's courteous provision of some translation materials, applicants are able to identify at least one feature of claim 11 which is not disclosed therein. Specifically, claim 11 requires that the hydraulic system is

"connected to generate the first and second forces with hydraulic fluid acting on the pistons of the first and second elements, the hydraulic system including a first flow path extending to pistons in the first element and a second flow path extending to pistons in the second element"

In contrast to this, German Patent 3926556 does not at all suggest this use of a "first hydraulic piston element" to exert the first force in the first direction and a "second hydraulic piston element" to exert the second force in the second direction.

Allowance of claim 11 and the claims which depend therefrom should be granted on at least this basis. Further, claim 19 has been amended to assure distinction over the prior art on a similar basis.

Reconsideration of the rejection of claim 20 is also requested. Claim 20 was rejected under Section 102 based on the Swearingen reference. At page 3 of the Final Office Action the Examiner argues that the rejection is somehow appropriate, believing that thrust bearings are pistons because they are moveable axially in chamber 11a. The components 12b, 13b or 22, 23 are not restrictors in a hydraulic system for axially displacing the rotor wherein the displacement speed of the rotor is limited by a restrictor arranged in the flow path. It is not understood how the Examiner can possibly make assertions under Section 102 as there is no credible support for such. Removal of the rejection is requested.

Reconsideration of the rejection of claim 19 is also requested. This claim was rejected under Section 103 based in part on a disclosure in the Arvidsson (U.S. 4,915,510) reference of bearings 2, 3 arranged for axial movement in cylinders 12, 13. Applicants request reconsideration because the claim is amended to incorporate a feature already recited in independent claim 11, that the hydraulic system is:

"fluidically connected by a fluid flow path to both of the hydraulic piston arrangements, to generate forces for displacing the rotor in each of the different directions ..."

The combination as now claimed is different than anything taught or suggested by the references. While the Arvidsson reference discloses bearings which work like pistons (col. 4, lines 61-68) the text explains that these are controlled by a servo valve in contact with the axle so that pressure in the cylinders is adjusted in response to changes in the position of the axle. Allowance of claim 19 is requested.

Conclusion

All of the independent claims have been shown to be patentably distinct. Further, each of the dependent claims recites a combination which further distinguishes the invention. All of the rejections under Section 112 and the objection to the drawing have been addressed. Accordingly the application is in condition for allowance. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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